

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION**

**ERIC ROSHAUN THURAIRAJAH**

**PLAINTIFF**

**vs.**

**No. 16-2123**

**THE CITY OF FORT SMITH,  
ARKANSAS, et al.**

**DEFENDANT**

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO STRIKE AND  
PLAINTIFF'S BELATED MOTION FOR AN EXTENSION OF TIME TO FILE  
PARTIAL SUMMARY JUDGMENT**

Comes now the Plaintiff, Eric Thurairajah, by and through his attorney W. Whitfield Hyman of King Law Group, PLLC and for his Response to Defendant's Motion to Strike and Plaintiff's Belated Motion For An Extension of Time to File Partial Summary Judgment, he alleges and states as follows:

1. Prior to the June 15th deadline Plaintiff's counsel had been preoccupied with his wife's medical issues and care.
2. Plaintiff's counsel's wife is his law partner and aids in Plaintiff's Counsel's state cases, case management, and administrative tasks.
3. Plaintiff's counsel's wife was rendered incapable of performing her normal work functions.
4. Defendant Cross is not prejudiced by this motion, and if he is the prejudice is only slight.
5. Plaintiff's Counsel believes that under the totality of the circumstances there is good cause and excusable neglect for the untimeliness of the motion for partial summary judgment.

6. Plaintiff's Counsel also submits a brief in support of this motion herewith, incorporated by reference.

WHEREFORE, Plaintiff prays that Defendant's Motion to Strike be denied that Plaintiff's response be treated as a Belated Motion for an Extension of Time to File Partial Summary Judgment and be granted, and all further relief to which this Court may deem the Plaintiff is entitled.

Respectfully submitted,

ERIC THURAIRAJAH, PLAINTIFF

By: /s/ W. Whitfield Hyman  
W. Whitfield Hyman  
Attorney for Eric Thurairajah  
King Law Group, PLLC  
300 N. Sixth Street  
Fort Smith, AR 72901  
479-782-1125  
479-785-1567 Fax  
ABA# 2013-237  
hyman@arkansaslawking.com

**CERTIFICATE OF SERVICE**

I, W. Whitfield Hyman, hereby certify that on this 29th day of June, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification to any participants.

/s/ W. Whitfield Hyman  
W. Whitfield Hyman